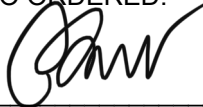


The Court disagrees with plaintiff's counsel's contention that FRCP 15(a)(1)(B) applies to this pleading. Rule 15(a)(1) permits a party to amend its pleading once as a matter of course within: (A) 21 days after serving it, or (B) 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12. In all other cases, a party must either obtain the opposing party's written consent or the Court's leave. Fed. R. Civ. P. 15(a)(2). By February 10, 2022, plaintiff shall file either: (1) defendants' written consent to the filing of plaintiff's amended complaint; or (2) a pre-motion letter in accordance with the Court's Individual Practices seeking leave to amend the complaint, together with a copy of the proposed amended complaint as well as a redlined version showing the changes she wishes to make. In the event defendant consents to plaintiff's amendment, by February 17, 2022, defendant shall file via ECF: a letter advising that it intends to press its pre-motion conference letter concerning the anticipated motion to dismiss (Doc. 9); a new pre-motion conference letter addressed to the amended complaint; or an answer to the amended complaint.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 10.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
February 4, 2022

Re: Gricelda Andrade v. KARP Scarsdale, LLC, 7:21-cv-08188-PMH

Your Honor:

I represent Plaintiff Gricelda Andrade ("Plaintiff") in this matter. I respectfully submit this joint letter with the consent of Defendant's counsel in order to request an Order adopting the schedule referenced below.

On January 28, 2022, Defendant KARP Scarsdale, LLC communicated its intention to file a Motion to Dismiss. Because Plaintiff's time to amend her complaint as a matter of course has not expired and Plaintiff intends to amend her complaint, the parties respectfully request that the Court issue an Order allowing Plaintiff to amend her complaint as a matter of course per FRCP 15(a)(1)(B) up to March 1, 2022 and allowing Defendant to answer or make a motion in response to Plaintiff's anticipated Amended Complaint on or before March 31, 2022.

The parties also respectfully request that if the Court grants the parties' aforementioned request, the Court cancel or hold in abeyance Defendants' deadline to file an answer or motion to dismiss in response to Plaintiff's original Complaint and cancel or hold in abeyance Plaintiff's deadline to file a response to Defendant's request for a pre-motion conference regarding its anticipated Motion to Dismiss directed towards Plaintiff's original Complaint (ECF Document 9).

Respectfully Submitted,

/s/ Jon A. Stockman, Esq.

cc: Opposing Counsel (via ECF)